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MINUTES OF COUNCIL REGULAR MEETING – AUGUST 26, 2008

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, AUGUST 26, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Mike Winder
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Corey Rushton

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Jim Welch, Finance Director
John Evans, Fire Chief
Richard Catten, City Attorney
Joseph Moore, CED Director
Buzz Nielsen, Police Chief
Layne Morris, Community Preservation Director
Gregg Cudworth, Acting Parks and Recreation Director
Owen Jackson, Administration
John Janson, CED Department
Hannah Thiel, CED Department
Jake Arslanian, Public Works Department

14174 OPENING CEREMONY

The Opening Ceremony was conducted by Russ Brooks who commented regarding the 10th annual Native American Powwow held at Granger Park the past weekend. He stated this would be the last year of the activity due to the committee's inability to continue organizing that event. He discussed the importance of passing on cultural traditions to each generation. He encouraged everyone to participate in such events in the future and learn an appreciation for different cultures in the community.

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14175 **SCOUTS**

Mayor Nordfelt welcomed Scout Troop No. 727 in attendance to complete requirements for the Communications merit badge.

14176 **APPROVAL OF MINUTES OF REGULAR MEETING HELD AUGUST 12, 2008**

The City Council read and considered the Minutes of the Regular Meeting held August 12, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held August 12, 2008, as written. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

14177 **TIM CHEZEM, CLEAN & BEAUTIFUL COMMITTEE CHAIRPERSON – PRESENTATION OF “LOOKIN’ GOOD” YARD AWARDS**

Mayor Nordfelt invited Tim Chezem, Chair of the Clean & Beautiful Committee, to address the City Council.

Tim Chezem, Chair of the Clean & Beautiful Committee, addressed the City Council. Mr. Chezem discussed the Lookin’ Good yard award program and recognized recipients of the award as follows:

Manny & Valina Radke	John Sharo
Brian Lloyd	Ron & Sally Garrett
Brent Roberts	Roy & Alona Wharton
Richard & Lori Hess	Amando & Janine Diaz
Dr. Mark & Linda Hagmann	Craig & Sue Marshal
Doris Wardle	Kirk Brown
Del Hutchison	Kerry & Connie Perkins
Evan & Marlene Doxey	Mario Ramos
Mathew Lovato	Pam Post
Mike Mageras	Lyle & Peggy Olsen

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Sue Lyman	Mike Morrison
Calvin Wheeler	Mary & Christine Taradash
Steven Miller	Jack & Lois Booth
Jennis Boswell	Cecilia Bowman
Chris & Janet Miller	Bud & Arline Mitchell
LaVon Curtis	William Earl Hansen
Miguel Lorenzo	Eric Nguyen
Miriam Gonzalez	Ula Robinson
Larry Lamper	Wayne & MarJean Dyer
Kenneth Warner	Sally Sadler
Alfene Page	Brent & Lynette Evans
Richard & Frankie Swonson	Jeff & Annette Symosky
Diane & Demetrios Agathangelides	Bryan & Whitney Jorgensen
Dennis Jerry Gunderson	Joyce Davies
Kim & Mike Baker	Greg & Linda Westfall
George & Lisa Ray	Kim & Kerry Olsen
Bobby & Lisa Winder	Elvis & Amela Hadzialijagic
John & Verna Petersen	Peter Sayasith
Edward & Kathleen Kendall	Ed & Lisa Jones
George Naylor	Lloyd & Marjorie Oswald
John Martinez	Bonnie Whitworth
Alfred & Linda Dickerman	Loraine Sowell
Ria Rojas	Mark & Sherry Prigmore
Ken & Lynda Jensen	Brent & Diane Erickson
Steve & Marj Fisher	Helen Bradley
Fred & Kristie Boehme	Donnalea & John Hall
Shari Lefler	Kellen, Gary & Shaunna Boswell

The City Council members congratulated and expressed appreciation to the award recipients for their efforts in beautifying neighborhoods in the City.

14178

COMMENT PERIOD

Upon inquiry by Mayor Nordfelt, the following individual addressed the City Council during the Comment Period:

Pamela Durfee, 3765 South 3025 West, addressed the City Council. Ms. Durfee stated the scouts attended to observe and hear opposing points of view.

Mayor Nordfelt informed there was a public hearing scheduled later in the meeting that would possibly have differing opinions expressed by citizens.

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PUBLIC HEARING, APPLICATION NO. ZT-9-2008, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO THE TEMPORARY SIGN ORDINANCE, SECTION 11-5 OF THE WEST VALLEY CITY MUNICIPAL CODE

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-9-2008, filed by West Valley City, requesting a zone text amendment to the Temporary Sign Ordinance, Section 11-5 of the West Valley City Municipal Code. He discussed proposed Ordinance No. 08-39 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-39 which would amend various sections of Title 11 of the West Valley City Municipal Code regarding the Temporary Sign Ordinance.

Mr. Pyle stated with the implementation of the new City department that would focus more on cleaning up the City, it had become apparent the Temporary Sign Ordinance needed some modifications to aid in the enforcement process. He indicated the text change would reorganize, clean up, and add regulations to the Sign Ordinance. The existing ordinance minimally referred to temporary signs in various places in the sign ordinance, which created some confusion as to the City's standards.

The City Manager reported the text change would create a 90-day time limit for temporary signs, other than window signs, and limit businesses to one temporary sign. He also stated an exception would be for grand openings where businesses could have multiple signs and various sign types, which were otherwise prohibited, for 30 days after approval of a business license.

Mr. Pyle discussed a list of proposed changes summarized as follows:

1. Further types of temporary signs added to definition
2. General clean up of ordinance
3. Flags (permanent) added under Miscellaneous – No limit to number for government flags; commercial flags have to be reviewed by Planning Commission as conditional use
4. Bus bench standards added under Miscellaneous – franchise agreement required with City
5. Newspaper stands added under Miscellaneous – maximum one stand allowed with a maximum of four printed material receptacles
6. On-site light pole banner signs added under Miscellaneous – Maximum of 12 square feet per pole

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7. Reformat ordinance to keep all temporary use signs together
8. Temporary Signs
 - a. Permit sticker for sign required (new budget would have to be considered for this)
 - b. Time limit of 90 days with one allowed every six months (on 90 days, off 90 days)
 - c. Banner signs – one/business – maximum 50 square feet until the tenant space is minimum 150 linear feet when the business can have 10% of front façade
 - d. Banner signs – one allowed per business until get permanent signs – maximum 90 days
 - e. Government flags – three allowed per business or dwelling – in conjunction with U.S. flag code
 - f. Merchandise display clean up – out of right-of-way including on and off site sidewalks
 - g. Prohibited signs except for grand opening (A-frame, mobile, off premise, mobile/pedestal, feathers, flags used for advertising, streamers/pennant-type streamers, inflatable)
 - h. Grand opening allows business owner to use whatever signage they like for 30 days from issuance of business license (must keep out of clear view and right-of-way)
 - i. Window signs – Maximum 25% of window coverage per business must be changed every two weeks unless exhibits store hours and address, and business name and logo
9. Roof sign revamp

City Manager, Wayne Pyle, advised staff had met with ChamberWest President & CEO, Alan Anderson, who expressed his support of the initial ordinance text change as proposed. He indicated the Planning Commission recommended approval of the zone text change subject to a maximum of 25% window coverage. Alan Anderson had stated the best alternative for businesses would be to allow 50% window coverage where one window could be covered and one window could be free of signage, or a business could have a banner across the top of multiple windows.

Mr. Pyle gave an overview of the new Community Preservation Department and discussed the need to clarify the sign ordinance to assist code enforcement officers in dealing with issues related to signage. The City Manager requested photographs of various businesses and signs that were the issues of concern be shown during the public hearing in order that the Council and public could view them.

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Mayor Nordfelt opened the public hearing.

Tara Sudweeks, 3464 West 3800 South, addressed the City Council. Ms. Sudweeks discussed language regarding temporary inflatable signs. She stated one of the most effective short-term advertising tools was the inflatable signs for sales and special promotions. She listed many businesses in the City that had used that type of advertising. She indicated that type of advertising was primarily directed to local clientele and stimulated the economy. She stated other media was not as effective in general local, drive-by advertising. Ms. Sudweeks further indicated sales went up dramatically when using inflatable sign advertising. She stated they were suited for temporary use and she would advocate strongly the City put in place a permanent system of regulation. She gave examples in Sandy City and explained their permitting system. She also explained requirements of Layton City. She stated she had worked for companies in those municipalities and businesses understood and budgeted for the permit required. She indicated South Jordan did not allow inflatable advertising for businesses, but they used one for a City party recently. She submitted the information from other cities to the City Manager and answered questions from members of the City Council.

Shawn Stewart, 729 E. Nichols Cove, South Salt Lake, subcontractor for Balloon Innovations, addressed the City Council. Mr. Stewart explained the services provided by his company with businesses such as car dealerships. He stated some cities had become creative regarding the sign issue rather than just banning them. He displayed his product, which was a vinyl ball on a stand, and stated it was an alternative to balloons with no lettering. He also explained it was inflatable and used by car dealerships and other businesses to draw attention to their business.

Councilmember Winder inquired if it was the type of “balloon” the representatives of car dealerships mentioned in their comments. City Manager, Wayne Pyle, answered that it was the same.

Mr. Stewart answered questions from members of the City Council and the City Manager. Mr. Stewart stated he serviced many businesses in the City and would like the “balloon bobbles” to be allowed.

Harley Griffith, 8332 Willow Creek Drive, Sandy, addressed the City Council. Mr. Griffith stated he represented a company called Visible Marketing, which had a fleet of 180 giant images catering mainly to car dealerships, some within West Valley City. He stated they were meant to be temporary. He indicated they were themed or holiday related or meant for a certain type of sale. He stated they did not want the inflatables to stay up for a longer period of time and had one month contracts. He indicated some cities had come up with good solutions such as pre-set calendars in which inflatables could be displayed without a permit. Mr.

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Griffith informed they kept their products in good repair. He also addressed banners and stated his company printed many of them. He stated they were a temporary sign but, from the photos shown, they might be used by some businesses as a permanent sign. He indicated his company printed banners for specific sales and were usually time dated and expected to be taken down after a specific time period.

Brenda Russell, 4961 Roundstem Road, West Jordan, addressed the City Council. Ms. Russell stated she was a business owner in West Valley City. She described the signs she used for her business and requested clarification regarding if those signs would be allowed under to new proposal.

City Manager, Wayne Pyle, discussed language in the proposed ordinance relating to the signs in question.

Clay Lyon, 2809 Water Vista Way, Sandy, addressed the City Council. Mr. Lyon stated he worked for Gus Paulos Chevrolet and reminded of some of the advertisements the late Gus Paulos used which made fun of the inflatable advertising. He stated there was a time and place to use that type of advertising and he gave examples. He indicated inflatables made it fun for the customers and sales people on a temporary basis for sales and other events, especially for the car businesses. He stated they were not appropriate all the time, but in the right setting and for a short period of time they were appropriate. Mr. Lyon answered questions from members of the City Council.

Councilmember Vincent inquired regarding creating a different zone for auto dealerships. City Manager, Wayne Pyle, suggested that discussion could take place at a future time, as it did not relate to the issue before the Council at this time.

Clay Lyon stated there were many car dealerships concentrated near 4000 West and 3500 South and he indicated the advertising tools currently being used by those dealers looked good.

City Manager, Wayne Pyle, inquired if a pre-set calendar would work for the dealers. Mr. Lyon responded stating it would work if they could plan sales around the calendar, but would make their dealership just like the one across the street. He stated their sales needed to be unique and held at different times than sales of other dealers.

City Manager, Wayne Pyle, inquired if an earlier suggestion of four times a year would be a workable number. Mr. Lyon stated four times a year for a six day period might be enough. City Manager, Wayne Pyle, inquired if Mr. Lyon had

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any thoughts regarding enforcement. Mr. Lyon stated there was a West Valley “auto mall” area and that designation might be helpful if collective advertising was used.

City Manager, Wayne Pyle, and Hannah Thiel, CED Department, answered questions from members of the City Council regarding certain language in the ordinance.

Jacob Van Rye, 6506 West 3560 South, addressed the City Council. Mr. Rye stated his attention was attracted by inflatables, banners and other signs. He indicated many of the signs had been displayed for long periods of time and some had become “part of the building” which was definitely too long. He indicated a good part of West Valley City was “looking like Tijuana.” He stated there were too many signs in some windows of some businesses and there should be a limit on the number of signs and how long they could be displayed. He indicated it was not right to take one sign down and immediately replace it with another sign.

Vicki Meier, 3587 South 6506 West, addressed the City Council. Ms. Meier stated she was embarrassed to say she lived in West Valley City. She stated she agreed with comments made by the previous speaker. She indicated her family had won one of the Clean & Beautiful awards. She stated there were too many signs and some were not in English. Ms. Meier commended the City Council for what they were trying to do and she did not see the same types of signs in other cities. She expressed her understanding of the needs of businesses, but stated most owners lived somewhere else because the City allowed the signs. She explained she looked for other homes outside of West Valley City but they had built their home and decided to stay and “fight for the community.” She expressed hope that those with the power, the City Council, would do what they could to make things better and clean up the City. She indicated something needed to be done about the number of signs and the signs should be in English.

Wayne Meier, 3587 South 6506 West, addressed the City Council. Mr. Meier stated he applauded the City’s efforts regarding this issue. He discussed the reasons for incorporation of the City in 1980 and stated they had worked very hard to make their property beautiful. He also stated the City Council meeting was professional and there was not a “carnival” atmosphere due to the decorum of the meeting. He indicated many different cities had been mentioned during previous comments and those communities did not have the same type of problem with signs as West Valley had on 3500 South Street. Mr. Meier stated he applauded efforts to clean up the City. He indicated he had increased taxes on his property but, at the same time, the neighborhood around him was going down. He stated he had considered moving out because of a desire to live in an environment where everyone pulled together to make a beautiful community. He expressed

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appreciation that the code enforcement officers each had a certain area of responsibility, but indicated a desire to see the current codes better enforced.

Brad Christensen, 137 West Gerard Avenue, in the Marmalade District of Salt Lake City, and also with Visible Marketing, addressed the City Council. Mr. Christensen stated he did not see the same types of advertising in his neighborhood, but there were not many streets in Utah like 3500 South. He indicated he walked to most businesses in his neighborhood but if he drove, larger signs would be helpful. He indicated there was a place for larger types of advertising as most small businesses struggled with street presence and ways to attract customers.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

ACTION: ORDINANCE NO. 08-39, AMENDING VARIOUS SECTIONS OF TITLE 11 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE TEMPORARY SIGN ORDINANCE

The City Council previously held a public hearing regarding Application No. ZT-9-2008, filed by West Valley City, and proposed Ordinance No. 08-39 which would amend various sections of Title 11 of the West Valley City Municipal Code regarding the Temporary Sign Ordinance.

Members of the City Council discussed each individual section of the proposed Ordinance, and with questions being answered by City Manager Wayne Pyle, City Attorney Richard Catten, and Hannah Thiel, CED Department, discussions, motions, and votes were made regarding respective Sections, as follows:

Section 11-5-101: Miscellaneous Signs.

After discussion, Councilmember Winder moved to amend Section 11-5-101 and change the number “8” to “4” regarding newspaper receptacles. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	No
Mr. Winder	Yes
Mayor Nordfelt	Yes

Majority.

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Section 11-5-102: Temporary On-Premise Signs

Upon discussion, Councilmember Winder suggested a limit of one temporary sign with no time limit or rotation. In response to discussion, regarding separate requirements for inflatable signs, for example for special events, City Manager, Wayne Pyle, advised that would be too difficult to enforce. Councilmember Winder suggested inflatables be allowed a certain number of times per year for a certain number of days. City Manager, Wayne Pyle, discussed a suggestion to allow, by permit each year, a “chit” for use of inflatable signs for a certain number of days for a specific time period.

Councilmember Brooks discussed clarification of language to differentiate inflatable or temporary signs.

Councilmember Winder stated these would be signs designed for impulse buys because it was in-person advertising. He stated it would not result in any additional sales tax for the City so that was why other cities had tighter ordinances and still did well economically.

Councilmember Coleman stated he was not comfortable restricting businesses in competitive marketing.

Mayor Nordfelt suggested inserting language “other than inflatables”.

After further discussion, Councilmember Coleman moved regarding Section 11-5-102 to insert “other than inflatable signs” in the paragraph regarding temporary signs and strike “every six (6) months which shall be displayed for a maximum of ninety (90) consecutive days.” Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

After further discussion, Councilmember Winder moved regarding Section 11-5-102 to strike “Commercial or Manufacturing” from paragraph (3). Councilmember Burt seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

After further discussion, Councilmember Burt moved regarding Section 11-5-102 to strike the words “and shall be constructed in a professional manner” in paragraph (3)(h). There was no second to the motion. The motion died for lack of a second.

After further discussion, Councilmember Burt moved regarding Section 11-5-102 to strike paragraph (3)(f) prohibiting signs to be built with paper materials. There was no second to the motion. The motion died for lack of a second.

After further discussion, Councilmember Coleman moved regarding Section 11-5-102 to correct the typographical error by changing “(1)” to “(6)” and strike the last two sentences in “(e) Other” and add the wording “Grand opening signs shall be allowed for any business obtaining a new business license. A facility renovation requiring a City permit qualifies for grand opening signs.” Councilmember Vincent seconded the motion.

After further discussion, Councilmember Winder offered a substitute motion regarding Section 11-5-102 to replace words in paragraph “(e) Other.” to state “Grand opening signs shall be allowed for any new business that obtains a new business license. A facility renovation requiring a building permit will qualify a business for grand opening signs. The renewal of a business license, change of ownership alone shall not authorize the use of grand opening signs.” Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes

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Mayor Nordfelt Yes

Unanimous.

After discussion, Councilmember Winder moved regarding political signs to strike the first sentence in paragraph “(11)(d)”. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

After discussion, Councilmember Burt moved regarding political signs to add “in a residential zone” in paragraph “(11)(b)”. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	No
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Majority.

After discussion, Councilmember Coleman moved regarding political signs to strike paragraph “(11)(f)”. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes

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Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

After discussion, Councilmember Winder moved to reconsider the above motion. There was no second to the motion. The motion died for lack of a second.

Mayor Nordfelt recessed the Study Meeting at 9:16 P.M., and reconvened the Study Meeting at 9:27 P.M.

City Manager, Wayne Pyle, stated he and staff had prepared proposed draft wording during the recess. Hannah Thiel, CED Department, discussed proposed language regarding Inflatable Signs.

After discussion, Councilmember Coleman moved to approve language as proposed by the City Manager “(7) Inflatable Signs. (a) Zoning Restrictions. General Commercial (C-2), Transitional Commercial (C-3), and Manufacturing (M) zones. (b) Setback. Shall not be located within 20 feet of the front property line. (c) Time Limit. Inflatable signs may be displayed for a maximum of thirty (30) days per calendar year, for during of five (5) days at a time. (d) Height. The height of an inflatable sign shall not exceed the height of any adjacent raised utility lines. (e) Permit. A permit shall be required for inflatable signs. (f) Other. Inflatable signs shall be secured and in direct contact with the ground.” Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

After discussion, Councilmember Coleman moved regarding paragraph (14)(b) to strike the words “not be parked within 40 feet of any property line adjacent to a public street.” Councilmember Brooks seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

After discussion, Councilmember Coleman moved regarding paragraph (15) Window Signs to change “25%” to “50%” and strike “(d)”. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	No
Mr. Winder	Yes
Mayor Nordfelt	Yes

Majority.

Section 11-5-104: Roof Signs

After discussion, Councilmember Coleman moved regarding roof signs to strike “(1)”. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

FINAL ACTION: APPLICATION NO. ZT-8-2008 AND PROPOSED ORDINANCE NO. 08-39:

After further discussion, the City Council took final action regarding proposed Ordinance No. 08-39, as follows:

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Councilmember Coleman moved to approve Ordinance No. 08-39, an Ordinance Amending Various Sections of Title 11 of the West Valley City Municipal Code Regarding the Temporary Sign Ordinance, as amended by respective motions above. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

14180

RESOLUTION NO. 08-224, AUTHORIZE THE EXECUTION OF A COOPERATIVE AGREEMENT BETWEEN WEST VALLEY CITY, THE UTAH DEPARTMENT OF TRANSPORTATION AND COMCAST OF UTAH II, INC., IN ORDER TO PLACE OVERHEAD COMMUNICATION FACILITIES ON 3500 SOUTH UNDERGROUND

City Manager, Wayne Pyle, presented proposed Resolution No. 08-224 which would authorize the execution of a Cooperative Agreement between West Valley City, the Utah Department of Transportation (UDOT) and Comcast of Utah II, Inc., in order to place overhead communication facilities on 3500 South underground.

Mr. Pyle stated all utility lines on 3500 South between 2700 West and Bangerter Highway would be buried in conjunction with the 3500 South widening project. He also stated the City would pay for all additional costs of placing the lines underground which exceed the cost of relocating overhead facilities outside the new roadway.

The City Manager indicated that under Utah State law, UDOT and utility companies each share 50% of the cost of relocating existing utility lines located on State highways, whenever a widening project necessitates the relocation of these facilities. He stated placing the utility lines underground was considered a betterment to be done at the City's expense. He also stated the agreement stated UDOT and Comcast would both pay 50% of the estimated cost of relocating the facilities outside of the roadway. He indicated West Valley City was obligated to pay all additional costs of placing the lines underground.

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Mr. Pyle reported the City's estimated cost for the work would be in the amount of \$80,012.50. The final amount of the City's cost would be based on actual costs incurred at the time of construction. The City's cost could not exceed \$90,000.00 without written permission from the City. He stated the City was required to deposit the funds with UDOT upon execution of the subject agreement.

City Manager, Wayne Pyle, further reported the subject agreement was one of several agreements related to burying utilities on the project. He indicated an additional cooperative agreement with UDOT for other costs associated with burying the power lines and other utilities would be required. He indicated this additional work included removal of existing improvements, trenching, and installation of conduit. There would also be additional agreements with other utility companies, including Qwest and UTOPIA for burying their facilities. The current estimated cost for adding betterment work was within the \$1,500,000.00 budget.

After discussion, Councilmember Burt moved to approve Resolution No. 08-224, a Resolution Authorizing the Execution of a Cooperative Agreement between West Valley City, the Utah Department of Transportation, and Comcast of Utah II, Inc., in Order to Place Overhead Communication Facilities on 3500 South Underground. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

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RESOLUTION NO. 08-225, APPROVE INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY, TAYLORSVILLE CITY AND SALT LAKE COUNTY FOR THE RELOCATION OF THE TRAFFIC CONTROLLER CABINET AND SIGNAL POLE ON THE NORTHEAST CORNER OF 4700 SOUTH 4000 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 08-225 which would approve an Interlocal Cooperation Agreement between West Valley City, Taylorsville City and Salt Lake County for the relocation of the traffic controller cabinet and signal pole on the northeast corner of 4700 South 4000 West.

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Mr. Pyle stated Salt Lake County currently constructed new signals and signal upgrades on traffic signals. He also stated the City had positive experience with construction completed by the County.

The City Manager reported the traffic signal controller cabinet and signal pole located on the north east corner of the intersection of 4700 South 4000 West had been repeatedly damaged in traffic accidents and large trucks off-tracking over the sidewalk when turning right. He indicated this was because it was located too close to the curb. The County would relocate the cabinet and signal pole further away from the curb to reduce the probability of future damage. He indicated the maintenance of the intersection was shared between West Valley City (50%), Salt Lake County (25%) and Taylorsville (25%). He reported the City was contributing 50% of the total cost for the project.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-225, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City, Taylorsville City and Salt Lake County for the Relocation of the Traffic Controller Cabinet and Signal Pole on the Northeast Corner of 4700 South 4000 West. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

14182

RESOLUTION NO. 08-226, APPROVE AN AGREEMENT WITH GSBS ARCHITECTS FOR ARCHITECTURE AND DESIGN SERVICES RELATED TO THE WEST VALLEY CITY PUBLIC WORKS FACILITY PHASE 1 POLICE STORAGE BUILDING

City Manager, Wayne Pyle, presented proposed Resolution No. 08-226 which would approve an Agreement with GSBS Architects in an amount not to exceed \$72,000.00 for architecture and design services related to the West Valley City Public Works Facility Phase 1 Police Storage Building.

Mr. Pyle stated that for the past several years the Police Department had leased a storage facility for keeping of evidence, equipment and vehicles. He also stated the City had determined constructing a City-owned storage facility served the best

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interests of the City. Construction of the police storage facility required the services of a professional architectural firm and the City Manager indicated it had been determined GSBS was the best qualified firm to provide professional architectural services.

Mr. Pyle reported that in January 2008, the City received requests for proposal for the architectural services in preparation of constructing a new Animal Shelter. He stated GSBS Architects had been chosen as the most advantageous firm to meet the City's needs for the project. The qualifications solicited included firm history, firm experience, team composition, staffing plan, design schedule, and fee. The required services included site plan design for public areas, architectural, electrical and mechanical engineering, plumbing, landscape, and interior design services. He further stated that while working with GSBS Architects in designing the new West Valley City Animal Shelter, GSBS prepared preliminary site plans for phasing and development of City-owned property in the West Ridge Subdivision. He indicated upon completion of the preliminary plans, the City determined GSBS was the most qualified and competitively priced firm to provide architectural services necessary for the construction of the police storage building.

After discussion, Councilmember Burt moved to approve Resolution No. 08-226, a Resolution Authorizing West Valley City to enter into an Agreement with GSBS Architects for Architecture and Design Services Related to the West Valley City Public Works Facility Phase 1 Police Storage Building. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

14183

RESOLUTION NO. 08-227, APPROVE REAL ESTATE PURCHASE AGREEMENT BETWEEN WEST VALLEY CITY AND GENEVA ROCK PRODUCTS, INC. FOR SALE OF CITY PROPERTY LOCATED AT APPROXIMATELY 5371 SOUTH 6055 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 08-227 which would approve a Real Estate Purchase Agreement between West Valley City and

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Geneva Rock Products, Inc. for sale of City property located at approximately 5371 South 6055 West.

Mr. Pyle stated Geneva Rock Products, Inc. desired to purchase surplus property from the City that adjoined their property on the northwest corner of Upper Ridge Road and 5400 South. He also stated the 17,000 square feet irregularly shaped parcel was currently not being used by the City and would allow Geneva to more effectively utilize their property.

The City Manager reported with construction of Upper Ridge Road and the parking area south of the USANA Amphitheater in 2000, a small section of City-owned land was left vacant between the roadway/parking area and the Geneva Rock Products, Inc. property. He indicated this irregularly shaped parcel totaled 17,000 square feet. In evaluating the potential uses of this property it was determined to be unusable for any purposes of the City. Geneva Rock Products, Inc. had been approached about purchasing this parcel and they felt this additional property would allow them to more effectively use their land, allow for better security of their site, and allow for some limited expansion.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-227, a Resolution Approving a Real Estate Purchase Agreement between West Valley City and Geneva Rock Products, Inc. for Sale of City Property Located at Approximately 5371 South 6055 West. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

14184

RESOLUTION NO. 08-228, APPROVE PURCHASE OF ANIMAL SHELTERING AND DISPATCHING SOFTWARE FROM HLP, INC., CHAMELEON SOFTWARE PRODUCTS, FOR USE BY THE COMMUNITY PRESERVATION DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-228 which would approve the purchase of animal sheltering and dispatching software from

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HLP, Inc., Chameleon Software Products, in an amount not to exceed \$26,300.00 for use by the Community Preservation Department.

Mr. Pyle stated the subject software included an animal licensing program, shelter operations module, financial module, and a field and dispatching module. He also stated purchase of the software also included the software license, the first year's support and maintenance fees, one-time conversion costs, and five days of training for personnel. He indicated future annual maintenance costs would be funded out of Division budgets.

The City Manager reported growth in demands for services, which included Taylorsville City, necessitated improving technical capabilities. He also reported the software allowed to better differentiate service costs between Taylorsville and West Valley City. It also would enable improved record keeping for the purpose of establishing real costs for billing.

After discussion, Councilmember Vincent moved to approve Resolution No. 08-228, a Resolution Approving the Purchase of Animal Sheltering and Dispatching Software from HLP, Inc., Chameleon Software Products for use by the Community Preservation Department. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

14185

RESOLUTION NO. 08-229, AUTHORIZE THE CITY TO PARTICIPATE IN A MEMORANDUM OF UNDERSTANDING WITH THE GRANITE SCHOOL DISTRICT, SALT LAKE COUNTY AND MUNICIPALITIES LOCATED PARTLY OR ENTIRELY WITHIN THE GRANITE SCHOOL DISTRICT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-229 which would authorize the City to participate in a Memorandum of Understanding with the Granite School District, Salt Lake County and all municipalities located partly or entirely within the Granite School District.

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Mr. Pyle stated the Memorandum of Understanding would allow for the District, the cities, and the County to increase communication, collaboration and coordination to enhance services and opportunities for their shared residents.

The City Manager reported the Memorandum of Understanding provided for greater input by cities, through their respective mayors, at Granite Board of Education meetings, Advisory Council meetings, and would also allow for greater access to Granite District achievement plans and other Granite District information.

After discussion, Councilmember Burt moved to approve Resolution No. 08-229, a Resolution Authorizing the City to Participate in a Memorandum of Understanding with the Granite School District, Salt Lake County, and all Municipalities Located Partly or Entirely Within the Granite School District. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

14186

RESOLUTION NO. 08-234, REAFFIRMING ADOPTION OF THE FINAL BUDGET OF WEST VALLEY CITY FOR FISCAL YEAR BEGINNING JULY 1, 2008, AND ENDING JUNE 30, 2009; REDUCING PREVIOUSLY ADOPTED RATE OF TAX, AND LEVYING TAXES UPON ALL REAL AND PERSONAL PROPERTY WITHIN WEST VALLEY CITY, UTAH, TAXABLE BY LAW FOR THE YEAR 2008

City Manager, Wayne Pyle, presented proposed Resolution No. 08-234 which would reaffirm adoption of the Final Budget of West Valley City for the fiscal year beginning July 1, 2008, and ending June 30, 2009; reduce the previously adopted rate of tax, and levy taxes upon all real and personal property within West Valley City, Utah, taxable by law for the year 2008.

Mr. Pyle stated the proposed Resolution would reduce the 2008 tax rate for general property taxes from .003354 to .003171, and would reaffirm adoption of the City's Final Budget for the 2008-2009 fiscal year.

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The City Manager reported that on August 12, 2008, the City Council adopted Resolution No. 08-215 which complied with the statutory deadline for adoption of the Final Budget and tax levy rate. He further stated, however, the tax rate set forth in that resolution had been incorrect due to the Council's decision to not adopt the judgment levy. He stated the rate had been recalculated by the Salt Lake County Assessor's Office and the rate changed the tax levy rate to the corrected rate of .003171.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-234, a Resolution Reaffirming the Adoption of the Final Budget of West Valley City for the Fiscal Year Beginning July 1, 2008, and Ending June 30, 2009; Reducing the Previously Adopted Rate of Tax, and Levying Taxes Upon All Real and Personal Property Within West Valley City, Utah, Taxable by Law for the Year 2008. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	No
Mayor Nordfelt	Yes

Majority.

14187

RESOLUTION NO. 08-235, APPROVE PURCHASE OF REPLACEMENT VEHICLES FROM TONY DIVINO TOYOTA FOR USE BY THE POLICE DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-235 which would approve the purchase of replacement vehicles from Tony Divino Toyota in an amount not to exceed \$270,000.00 for use by the Police Department.

Mr. Pyle stated the City had selected Tony Divino Toyota as supplier for 11 vehicles as they held the State contract to supply the vehicles that met the Police Department needs. He advised the Fleet Manager had determined the vehicles described in a list as provided to the City Council, would be the most efficient vehicles for the intended purposes.

The City Manager stated this item had been added to the Agenda to take advantage of pricing prior to the end of the current model year.

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After discussion, Councilmember Brooks moved to approve Resolution No. 08-235, a Resolution Approving Purchase of Replacement Vehicles from Tony Divino Toyota for use by the Police Department. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

14188

RESOLUTION NO. 08-236, APPROVE PURCHASE OF REPLACEMENT VEHICLES FROM KEN GARFF FORD FOR USE BY VARIOUS CITY DEPARTMENTS

City Manager, Wayne Pyle, presented proposed Resolution No. 08-236 which would approve the purchase of replacement vehicles from Ken Garff Ford in an amount not to exceed \$485,000.00 for use by various City departments.

Mr. Pyle stated the proposed Resolution authorized purchase of 20 vehicles as shown on a documentation list provided to the City Council. He advised the Fleet Manager had met with City Departments to review their needs and determined the proposed vehicles would be the most efficient vehicles for respective intended purposes.

The City Manager stated this item had been added to the Agenda to take advantage of pricing prior to the end of the current model year.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-236, a Resolution Approving the Purchase of Replacement Vehicles from Ken Garff Ford for use by Various City Departments. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes

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Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

14189

CONSENT AGENDA:

- A. **RESOLUTION NO. 08-230, RATIFY THE CITY MANAGER'S APPOINTMENT OF KARIN ALEXANDER TO THE CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2008 – JUNE 30, 2010**
City Manager, Wayne Pyle, presented proposed Resolution No. 08-230 which would ratify his appointment of Karin Alexander to the Clean & Beautiful Committee for the term July 1, 2008, through June 30, 2010.

Mr. Pyle stated Karin Alexander had expressed a desire to serve on the Clean & Beautiful Committee.

- B. **RESOLUTION NO. 08-231, RATIFY THE CITY MANAGER'S APPOINTMENT OF JEFF DEELSTRA TO THE CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2008 – JUNE 30, 2010**
City Manager, Wayne Pyle, presented proposed Resolution No. 08-231 which would ratify his appointment of Jeff Deelstra to the Clean & Beautiful Committee for the term July 1, 2008, through June 30, 2010.

Mr. Pyle stated Jeff Deelstra had expressed a desire to serve on the Clean & Beautiful Committee.

- C. **RESOLUTION NO. 08-232, RATIFY THE CITY MANAGER'S APPOINTMENT OF PAT DEELSTRA TO THE CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2008 – JUNE 30, 2010**
City Manager, Wayne Pyle, presented proposed Resolution No. 08-232 which would ratify his appointment of Pat Deelstra to the Clean & Beautiful Committee for the term July 1, 2008, through June 30, 2010.

Mr. Pyle stated Pat Deelstra had expressed a desire to serve on the Clean & Beautiful Committee.

- D. **RESOLUTION NO. 08-233, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF KATHRYN WALBOM TO THE CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2008 – JUNE 30, 2010**
City Manager, Wayne Pyle, presented proposed Resolution No. 08-233 which would ratify his appointment of Kathryn Walbom to the Clean & Beautiful Committee for the term July 1, 2008, through June 30, 2010.

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Mr. Pyle stated Kathryn Walbom had expressed a desire to serve on the Clean & Beautiful Committee.

After discussion, Councilmember Coleman moved to approve Resolution Nos. 08-230, 08-231, 08-232, and 08-233 as presented on the Consent Agenda. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

14190

GENERAL PLAN DISCUSSION

City Manager, Wayne Pyle, stated this item had been placed on the Agenda in error. Mr. Pyle indicated the Agenda for the Regular Council Meeting scheduled September 2, 2008, was very light and he instructed the City Recorder, Sheri McKendrick, to schedule the discussion for that meeting.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, AUGUST 26, 2008, WAS ADJOURNED AT 10:21 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, August 26, 2008.

Sheri McKendrick, MMC
City Recorder

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